

REMARKS

This Amendment/Response is in response to the Final Office action (Paper No. 20091120) mailed 3 December 2009.

Status of the Claims

Claims 1-20 are pending. Claims 1-3, 5, 8, 9, 11, 14, and 17-19 are currently amended. Claims 4 and 12 are cancelled.

The amendments to claims 1-3, 5, 8, 9, 11, 14, and 17-19 are editorial and are in response to the rejections under 35 USC 112 in the outstanding office action. The present claim amendments thus are made in response to a requirement of form set forth in the outstanding office action. Accordingly, entry under the provisions of 37 CFR 1.116 is fully warranted and respectfully requested.

Claim Rejections – 35 USC § 112

Claims 1-4 and 8-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite (paragraphs 3-8 of the office action).

This rejection is respectfully traversed.

With regard to paragraph 3 of the office action, claim 1 is currently amended to address this rejection. The egg-shell is recited as “an egg shell” and the expression “the long axis” is deleted from the claim.

With regard to paragraph 4 of the office action, the term “in situ natural” is amended to “in situ”. Applicants submit that this expression is well known in the art and refers to the edible composition being agitated inside the egg.

With regard to paragraph 5 of the office action, claim 8 is currently amended to address this rejection.

With regard to paragraph 6 of the office action, claim 9 is currently amended to delete the reference to the egg shell.

With regard to paragraph 7 of the office action, the objected to terms “certain thickness” and “thicknes of albumen” have been deleted from the claim.

With regard to paragraph 8, the term “and/or” has been replaced by “or”.

Claim Rejections – 35 USC § 103

Claims 1-3, 8-11 and 14-19 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hongqi (CN Pub. No. 1209299) in view of Hebrank (US Pat. No. 6244214) and Hansen (US Pat. No. 2316861) and CFR title 21 Part 110 (FDA, Good Manufacturing Practice in Manufacturing , Packing or Holding Human Food).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hongqi (CN Pub. No. 1209299), Hebrank (US Pat. No. 6244214) and Hansen (US Pat. No. 2316861) as applied to claim 1 above and further view of CFR Title 21 Part 110 (FDA, Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food).

Claims 4, 12 and 20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hongqi (CN Pub. 1209299) in view of Hebrank (US Pat. No. 6244214) and Hansen (US Pat. No. 2316861) as applied to claims 1 and 8, above and further in view of Chikako (JP 61-141864).

Applicants respectfully traverse each of these rejections.

1. *Claims 1-3, 8-11, and 14-19 over Hongqi, Hebrank, Hansen and the FDA reference and claim 13 over Hongqi, Hebrank, Hansen and the FDA reference (paragraphs 12 and 25 of the office action)*

The present invention is directed to a method of manufacturing a processed raw egg having an edible composition. The method comprises cleaning and sterilizing a raw egg, drilling to form an injection hole wherein a raw egg is fixedly erected and pressure is exerted on the raw egg by means of a drilling and injection tube such that an injection hole is formed. The method further includes injecting an edible composition by penetrating a drilling and injection tube inside the raw egg through the injection hole and a raw egg agitation step of agitating the edible composition and the viscous albumen and yolk using an agitator inserted through the injection hole of the raw egg. Claim 4 further recites that a part of the contents of the egg is removed and replaced with edible composition.

Hongqi discloses a process for making an egg with various flavors, which includes using an injector to inject a liquid flavoring material into an egg, shaking the egg, and then boiling and cooking the egg, and lastly placing the egg into cold water. See Hongqi, English Abstract. Hongqi does not disclose or suggest the presently claimed step of agitating the egg to mix the contents of the egg after the edible composition is added. In Hongqi, boiling the egg is

necessarily performed after the liquid flavoring material is injected into the egg. Further, in Hongqi it is clear that cooking the egg after injection is required since this is the disclosed means by which the hole from the injector is sealed.

Furthermore, the liquid flavoring material of Hongqi is completely different from the edible compositions of the present invention. The liquid flavoring material in Hongqi is clearly intended to merely enhance the flavor of the egg itself. The present claims are directed to adding new edible compositions into the egg.

Hongqi does not disclose or suggest the presently claimed injection method or agitating step. Hongqi merely mentions an “injector” that is used to inject prepared liquid flavoring material into the egg. There is no evidence of record which shows that the injection method of Hongqi could be used to inject the edible compositions encompassed by the present claims.

Hebrank discloses a method of injecting a dye, or some type of liquid pharmaceutical or bio-pharmaceutical composition into eggs with a needle and then detecting with a detector, information from inside the egg. See Hebrank, col. 4, lines 13-18. Hebrank thus does not remedy the basic deficiencies of Hongqi discussed above.

Hansen is directed to a method of scrambling an egg while the egg is still within the shell. The method includes breaking the egg with a shank and then inserting blades into the egg and thoroughly mixing the egg. The egg is then removed from the device and broken open making available the scrambled contents of the egg. The method of Hansen thus uses a large shank and importantly does not involve the scrambled contents of the egg remaining inside the egg for later use as in the present invention. There is no evidence of record that the agitation method of Hansen would work to agitate contents of an egg in a manner that would allow the egg to be re-sealed and used at a later time. Thus, there is no reason or motivation for one of ordinary skill in the art to combine the teachings of Hansen with Hongqi.

Accordingly, a prima facie case of obviousness has not been established and these rejections must be withdrawn.

2. *Claims 4, 12, and 20 over Hongqi, Hebrank, Hansen and Chikako*

Claim 4 is directed to a method of manufacturing a processed raw egg, and a raw egg, processed by the method, which includes drilling a hole in an egg, removing some contents of

the egg, and injecting grains fruits or carbohydrates into the place where the contents of the egg were removed.

The Examiner asserts Chikako for the disclosure of removing contents of an egg and replacing it with edible materials. However, the teachings of Chikako require the creation of a large hole in the egg and then sealing the hole with tape. This is a completely different method than the presently claimed method, which creates a hole in the egg and then using an injection tube inserts edible materials into an egg.

Accordingly, the Examiner has not provided a sufficient basis for the combination of Chikako and Hongqi, Hebrank and Hansen. A *prima facie* case of obviousness has not been established and this rejection must be withdrawn.

Conclusion

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

No fee is incurred by this paper.

Respectfully submitted,

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